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West Des Moines City Council Proceedings
Monday, December 1, 2014

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, December 1, 2014 at 5:30 PM. Council members present were: J. Mickelson, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone.

On Item 1. Agenda. It was moved by Trevillyan, second by Trimble approve the agenda as presented.

Vote 14-552: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Linda Robel, 9075 Linda's Lane, requested an update on the disposition of excess right-of-way associated with the I-80 Interchange at 105th Street.

Mayor Gaer responded staff has provided an update to attorney Charles Meardon, who said he is still representing Ms. Robel.

Ms. Robel stated she represents herself. She expressed her desire for this matter to be resolved soon, and she requested clarification on the process going forward.

Mayor Gaer inquired if Mr. Meardon still represents Mr. Robel as her attorney, as that was the City's understanding.

Ms. Robel indicated that Mr. Meardon no longer represents her.

Mayor Gaer asked her to provide a written statement that she is longer represented by Mr. Meardon, and then staff will meet with her to discuss the process going forward.

Council member Sandager arrived at 5:31 p.m. The attendance was re-taken. Council members present were: J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble, with Council member R. Messerschmidt participating via telephone.

Michael Wille, 9256 NW Lakeridge Lane, Polk City, stated he was asked by Ms. Robel to review the appraisals for the excess right-of-way associated with the I-80 Interchange at 105th Street. He raised concerns that the second appraisal states the highest and best use for the land in the short term is to hold an inventory awaiting development and that the highest and best use in the longer term is residential high-density and townhouse medium-density development, however the Comprehensive Plan designates this land for commercial development. He also

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raised concerns that the second appraisal does not address who will pay for the paving of Aspen Drive and EP True Parkway, which will require infill of dirt due to the topography. He noted the first appraisal does address both of these issues.

Shawn Mori, 6 Sugar Creek Lane, Waukee, stated she tried to contact Iowa Department of Transportation (IDOT) Director Paul Trombino seeking information about the IDOT's requirements for the City regarding which appraisal should be used and information about the possible vacation of the rest area, however Mr. Trombino is out of the office all week so she will not be able to get that information until next week. She acknowledged that Ms. Robel desires an immediate response from the City, but she requested that the City hold off until she has obtained that information from the IDOT.

Mayor Gaer inquired if Ms. Robel would prefer the City provide an immediate response or wait until Ms. Mori receives a response from the IDOT.

Ms. Robel responded she does not want to wait.

Mayor Gaer stated staff will arrange a meeting with her as soon as possible.

Ms. Robel requested to see a written statement that the Federal Government will demand the project's federal funding back if the City does not follow its requirements for the disposition of excess right-of-way.

Mayor Gaer directed City Attorney Scieszinski to provide Ms. Robel with the correspondence the City received from the IDOT regarding the submission of appraisals by the City to establish the fair market value of the properties.

Jeremy Christiani, 1100 50th Street, Unit 1102, requested that the Council not approve Item 7(g) DSM05-Alluvion Major Modification, citing concerns about the proposed use of intermodal shipping containers as storm shelters as described in the staff report. He also expressed concerns about Item 8(b) 98th Street PUD Amendment, as he believes it could be a case of spot zoning and he believes it should be reviewed by the Board of Adjustment since it relates to a setback variance. He requested that the Council also not approve Item 7(f) Hawthorne Centre Site Plan, as he believes a setback variance should be required before permitting the developer to construct footings and foundations within the setback.

On Item 3. Council/Manager/Other Entities Reports:

Elizabeth Presutti, General Manager for Des Moines Area Regional Transit (DART), provided an update on DART's activities.

Council member Trimble reported he attended a meeting of the Finance and Administration Subcommittee, where discussion was held on a proposed new Brookview School/Park

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maintenance agreement, a grant application for the proposed We Compete SportsPlex, a proposed lobbyist agreement with Avenson, Oakley and Cope, and a proposed agreement with VyvaCity to use their online service to promote events. He stated the Subcommittee also discussed a proposed citizen survey and feasibility study for a possible bond referendum to fund improvements to Valley View Park and the WDM Public Library.

Council member Messerschmidt reported he attended a Tomorrow Plan meeting on workforce housing, where an update was given on the Greater Des Moines Housing Authority's focus groups and public meetings intended to assess the public's concerns related to workforce housing, and he noted participation in these meetings has been low. He reported the Public Works Subcommittee met and discussed a construction project planned by the IDOT for 2015 on the 60th Street overpass over I-80, the proposed professional services agreement regarding renovations to the Community Center, an update on adding "sharo" routes throughout the city, and the Fox Creek Sanitary Sewer project, which is on schedule.

Council member Trevillyan asked staff to ensure that if contractors during next year's construction season aren't able to paint "sharo" markings on the streets before the weather gets cold, they should be required to come back and paint them during the spring. He also requested asked staff to ensure that contractors paint them in the right location to avoid cases where "sharo" markings are repainted after the first one was painted in the wrong location.

On Item 4. Consent Agenda.

Council members pulled Items 4(d)3, 4(e)1, 4(h)1, and 4(k)3 for discussion. It was moved by Sandager, second by Mickelson to approve the consent agenda as amended.

- a. Approval of Minutes of November 17, 2014 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Bravo Brio Restaurant Group, Inc. d/b/a Bravo Cucina Italiana, 120 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 2. West Des Moines Lodging Investors, LLC, d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
 - 3. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - December 3-4, 2014
 - 4. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - December 8, 2014
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - December 17-18, 2014

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6. Mac Acquisition LLC d/b/a Romano's Macaroni Grill, 4502 University Avenue - Class LC Liquor License with Sunday Sales - Renewal
7. LVP SHS Des Moines Holding Corp. d/b/a Springhill Suites Hotel, 1236 Jordan Creek Parkway - Class BC Permit with Sunday Sales - Renewal
- d. Approval of Appointments:
 1. Revised 2014-2015 Committee/Liaison Assignments
 2. Human Services Advisory Board
- e. Approval of Agreements:
 2. Maintenance of Brookview School/Park
- f. Approval of Change Order #6 and Corrected Construction Cost and Retainage - City Facilities Interior Lighting Upgrade Project
- g. Approval of 2015 City Council Meeting Schedule
- h. Order Construction:
 2. Ashworth Road Low Pressure Sewer
- i. Accept Work - Law Enforcement Center Lower Floor Remodeling
- j. Approval of Iowa Reinvestment District Program Application - We Compete SportsPlex at Pavilion Park
- k. Approval of Agreement for Professional Services:
 1. South 35th Street Bridge Replacement
 2. Fire/EMS Station 17 HVAC Improvements
- l. Approval of Address Confirmation - Whisper Ridge Plat 3, Lot 15
- m. Approval of Waiver of Subdivision Review Right - Amended Terra Gentile Plat
- n. Approval of Option Agreement for Purchase of Land for City Park and Recreation Purposes
- o. Approval and Acceptance of Purchase Agreement and Easements - Fox Creek Sanitary Sewer Project
- p. Establish Public Hearings Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property:
 1. Fox Creek Sewer Extension Project
 2. Grand Avenue Improvements, Phase 5 - Raccoon River Park Entrance to South 35th Street
 3. South 8th Street Improvements - Army Post Road to Pine Avenue
 4. South 88th Street Improvements - Booneville Road to Sugar Creek Drive
 5. South 60th Street Improvements - Grand Avenue to Mills Civic Parkway
- q. Establish Just Compensation and Approve Acquisition of Property:
 1. Sugar Creek Sewer Extension Project
 2. Fox Creek Sewer Improvements, Phase 2
 3. Pine Avenue Improvements - Veterans Parkway to South 8th Street
 4. Maffitt Lake Drive Public Improvements - South 8th Street to Veterans Parkway
 5. South 8th Street Public Improvements - County Line Road to Army Post Road
 6. Fiber Optic Improvements Project
 7. South 60th Street Improvements - Mills Civic Parkway to Grand Avenue
 8. South 88th Street Improvements - Booneville Road to Sugar Creek Drive

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9. Grand Avenue Improvements, Phase 5 - Raccoon River Park Entrance to South 35th Street
10. Grand Avenue Improvements, Phase 6 - South 35th Street to South 50th Street

Vote 14-553: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(d)3 Approval of Appointment - Water Works Board of Trustees

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Sandager, second by Trimble to approve Item 4(d)3 Approval of Appointment - Water Works Board of Trustees.

Vote 14-554: Messerschmidt, Mickelson, Sandager, Trimble...4 yes
Trevillyan... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(e)1 Approval of Agreement - Legislative and Lobbyist Services

Council member Trimble stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trevillyan, second by Sandager to approve Item 4(e)1 Approval of Agreement - Legislative and Lobbyist Services.

Council member Sandager stated he was on the review committee and there were great candidates, but Avenson, Oakley and Cope was recommended because they have done great work for the City in the past and the committee felt there was value in continuity, and they also offered a very reasonable price.

Vote 14-555: Messerschmidt, Mickelson, Sandager, Trevillyan...4 yes
Trimble... 1 abstain due to potential conflict of interest
Motion carried.

On Item 4(h)1 Order Construction - Alluvion Water Main Improvements Project

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Sandager, second by Trimble to approve Item 4(h)1 Order Construction - Alluvion Water Main Improvements Project.

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Vote 14-556: Messerschmidt, Mickelson, Sandager, Trimble...4 yes
Trevillyan... 1 abstain due to potential conflict of interest

Motion carried.

On Item 4(k)3 Approval of Agreement for Professional Services - Community Center Interior Renovation

Council member Trimble inquired if the Historic Valley Junction Foundation will help pay for the renovations since it includes renovations to the public restrooms.

Gary Scott, Director of Parks and Recreation, responded staff does not plan to ask the Historic Valley Junction Foundation to help pay for the renovations.

Mayor Gaer noted the funding for the actual renovation project will be determined at a later time.

Council member Sandager stated he believes the renovations will help accommodate the need for additional restrooms in the Valley Junction Business District, so he is not concerned about the capital costs; however, he suggested the City seek assistance from the merchants to help with operational costs such as staffing.

Council member Trevillyan stated he believes it is possible to configure the bathrooms so that they can remain open without an attendant.

Mr. Scott noted staff is planning to have a Council workshop discussion in the coming months on the proposed renovations.

It was moved by Trimble, second by Sandager to approve Item 4(k)3 Approval of Agreement for Professional Services - Community Center Interior Renovation.

Vote 14-557: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 5(a), Mayor Pro tem Trevillyan will preside over this portion of the meeting.

On Item 5(a) Three Fountains, southeast corner of University Avenue and 50th Street - Amend the Planned Unit Development to Change Drive-Thru Restrictions and Accessory Structure Setbacks, initiated by R & R Realty Group

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

Council member Trimble inquired if staff has addressed Jeremy Chrsitiani's concerns that were raised at the November 17th meeting.

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City Attorney Scieszinski responded the concerns were regarding a freestanding ATM on the site, and staff confirmed that a conditional use permit was granted in 2001 or 2002, so it is legal.

Vote 14-558: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the second reading of the ordinance.

Vote 14-559: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 14-560: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 5(b) Wells Fargo West Des Moines Campus (Amendment #5), 800 South Jordan Creek Parkway - Amend Existing Specific Plan to Allow for Non-Commercial Garden and a 55 foot Pole for Migratory Bird Nest, initiated by Wells Fargo Home Mortgage

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 14-561: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the second reading of the ordinance.

Vote 14-562: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 14-563: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(c) Amendment No. 5 to the Amended and Restated Mills Parkway Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

Vote 14-564: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the second reading of the ordinance.

Vote 14-565: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 14-566: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - Various Intersections, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the second reading of the ordinance.

Vote 14-567: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 14-568: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 14-569: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 5(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Woodland Hills Area - Various Streets, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to consider the second reading of the ordinance.

Vote 14-570: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the second reading of the ordinance.

Vote 14-571: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 14-572: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Valley (Ver Ploeg Property), northeast corner of South 35th Street and Grand Avenue - Rezone approximately 34.5 acres from Residential Medium Density to Planned Unit Development (PUD) to Allow for Development of Single Family Residential and Residential Medium Density, initiated by CRVP, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on October 17, 2014 in the Des Moines Register (continued from November 3 and November 17 meetings). Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the proposed PUD ordinance.

Mayor Gaer asked if there were any public comments.

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, explained that this property is currently zoned RM-7, but the property owner wants to develop it with single family residential included, which is not allowed by RM-7. Therefore, it is being requested to rezone it as a Planned Unit Development (PUD), including single family residential in the north (Parcel A), either single or multi-family residential to the west (Parcels B and C), and multi-family apartments to the east (Parcel D).

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Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 14-573: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 14-574: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Vacation of a Part of Parcel C (part of 98th Street) Right-of-Way, south of the Union Pacific Railroad at 98th Street, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 14, 2014 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the proposed vacation.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 14-575: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 14-576: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements, Process and Procedures), Section 8-A-4 (Entitlements, Processes and Procedures) - Minor Modification Ordinance Amendment, initiated by the City of West Des Moines (continued from November 17, 2014)

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Mayor Gaer noted staff is recommending the Council continue the Public Hearing to December 15, 2014.

It was moved by Sandager, second by Trevillyan to adopt Motion - Continue Public Hearing to December 15, 2014.

Vote 14-577: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Project Mountain, northwest corner of South 88th Street and future Grand Avenue - Agreement for Private Development, initiated by Microsoft Corp. (continued from November 17, 2014)

Mayor Gaer noted staff is recommending the Council continue the Public Hearing to December 15, 2014.

It was moved by Trimble, second by Sandager to adopt Motion - Continue Public Hearing to December 15, 2014.

Vote 14-578: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Maple Grove West Plat 5, east of 98th Street and south of the Union Pacific Railroad - Subdivide Property into Three Single Family Lots, One Medium Density Lot, One Street Lot and Two Outlots for Buffer, initiated by Maple Grove West, LLC

It was moved by Trimble, second by Sandager to adopt Resolution - Approval and Release of Final Plat for Recordation, subject to the applicant complying with all applicable City Code requirements.

Vote 14-579: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Village at Century Run Plat 2, south of EP True Parkway, immediately west of Prairie Creek Villas - Subdivide Property into One Lot and One Outlot for Future Development, initiated by Rock Equity Holdings

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval and Release of Final Plat for Recordation, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant completing construction of all required public improvements, and having said improvements accepted by the City Council prior to issuance of occupancy permits,

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including temporary occupancy permits for any dwelling located within the last multi-tenant building permitted for construction.

Vote 14-580: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Village of Ponderosa Plat 7, northeast corner of Stagecoach Drive and South Crescent Way - Subdivide Property into 14 Postage Stamp Lots and One Outlot, initiated by East Towne, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 14-581: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Willow Creek Plat 1, southeast corner of Pine Avenue and South 8th Street - Subdivide Property into 7 Lots and 4 Street Lots, initiated by Microsoft Corporation

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 14-582: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Cascades at Jordan Creek, southwest corner of Cascade Avenue and South 81st Street - Subdivide Property into Three Lots and Two Street Lots for Development of 267 Medium-Density Dwellings, initiated by SM Heritage Hills, LLC

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Preliminary Plat/Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant obtaining approval of Public Improvement Construction Plans for all public improvements prior to initiating construction;
2. The City Council deferring the installation of up to 46 parking stalls of the 583 required by Code until such time that on-site events in which parking on the grass or other non-designated parking areas occurs or parking off-site is occurring due to the lack of available parking stalls. At the time when the existing parking is not sufficient to accommodate the events held on-site, the City reserves the right to provide the applicant notice to increase the number of parking stalls. The applicant will be required to provide the additional parking spaces in accordance with City regulations within the first available construction

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season;

3. Prior to issuance of building permits, the applicant providing appropriate accesses and vehicle circulation paths for emergency services to the satisfaction of the Fire Marshal; and
4. Prior to issuance of a Final Occupancy permit for any dwelling within the development, the applicant completing construction of two lanes of Cascade Avenue and S81st Street adjacent to Lots 1 and 2, including all appurtenances and receiving City Council acceptance of said improvements. In the event that only a portion of S81st Street and/or Cascade Avenue is constructed, prior to issuance of a Final Occupancy permit for any dwelling within the development, appropriate surety in an amount agreeable to the City, shall be provided for that portion of the roadways, including associated utilities, roadway structures, and appurtenances, which are not installed initially.

Vote 14-583: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Hawthorne Center (f/k/a Hawthorne Plaza Phase III), south of University Avenue and 94th Street - Phased Approval of Site Plan to Allow Installation of the Site Infrastructure and Building Footings and Foundations, initiated by Hawthorne Plaza, LLC

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant acknowledging that should a subsequent PUD Amendment to reduce the minimum required setback from Bishop Drive not be approved, that the applicant will need to prepare an alternate site plan for presentation to both the Plan and Zoning Commission and City Council which accurately complies with the currently required 100' setback;
2. The applicant agreeing that any site infrastructure work, including utilities and building footings and foundations done to the site prior to the approval of a PUD Amendment and subsequent full site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals; and,
3. The applicant acknowledging that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval is required before any above ground work can be started.

Vote 14-584: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 7(g) DSM05-Alluvion, southeast corner of Pine Avenue and South 8th Street - Approval to Allow Two Temporary Tents and Four Storm Shelter Structures, initiated by Turner Construction Company

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Major Modification, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The City Council granting the applicant approval to leave the temporary tent and storm shelter structures erected throughout the duration of the construction of the DSM05-Alluvion project;
2. The applicant agreeing to provide all safety measures within the tents and storm shelter structures determined to be necessary by the City's Fire Marshal; and,
3. The applicant agreeing that both the tents and storm structures shall be removed within sixty (60) days upon completion of the DSM05-Alluvion site development. The tents shall be removed from the site should construction activities on site cease for a period of six months.

Council member Messerschmidt inquired if the City has any policy on the use of intermodal shipping containers as storm shelters.

Don Cox, Fire Chief, stated Mr. Christiani brought up valid points in his comments during citizen forum. He stated he will meet with the Fire Marshal and make sure that the concerns are properly addressed.

Council member Trimble stated he would like to amend his motion to add a condition of approval.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Major Modification, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The City Council granting the applicant approval to leave the temporary tent and storm shelter structures erected throughout the duration of the construction of the DSM05-Alluvion project;
2. The applicant agreeing to provide all safety measures within the tents and storm shelter structures determined to be necessary by the City's Fire Marshal; and,
3. The applicant agreeing that both the tents and storm structures shall be removed within sixty (60) days upon completion of the DSM05-Alluvion site development. The tents shall

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be removed from the site should construction activities on site cease for a period of six months.

4. The Fire Department confirms that it is safe for the intermodal shipping containers to be used as storm shelters.

Vote 14-585: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(h) Sacred Heart Storm Water Management, 1601 Grand Avenue - Approval of Phased Storm Water Management and Deferral of Freeboard Standard, initiated by Sacred Heart Parish and School

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Phased Storm Water Management and Deferral of Freeboard Standard, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The City Council approving the phased storm water management plan, with the Phase I to be completed with the permitted conditional use permit subject to Board of Adjustment approval and Phases II and III to be completed within 15 years of the approval of the permitted conditional use permit approval or when the parking fields are replaced; and,
2. That the City Council defer the freeboard standard of 1 foot until such time as the City lowers the storm sewer in the future.

Vote 14-586: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Woodland Hills of West Des Moines, southwest corner of Mills Civic Parkway and South 91st Street - Amend the Tallyn's Reach Planned Unit Development (PUD) for Parcels A and B within Outlot C of Corrected Michael's Landing Plat to Change the Allowed Use from Office to High Density Residential - Woodland Hills Commercial, LLC - Referred to Plan and Zoning Commission

On Item 8(b) 98th Street Planned Unit Development, southeast corner of University Avenue and 98th Street - Amend the Planned Unit Development (PUD) to Change the Front Yard Setback Along Bishop Drive for PUD Parcel B - Hawthorne Plaza, LLC - Referred to Plan and Zoning Commission

On Item 8(c) Aspen Valley (f/k/a Brody Place Estates), generally located at the southeast corner of future 84th Street and Ashworth Road - Rezone Property from RS-20 to RS-10 - Arrow Properties, LLC - Referred to Plan and Zoning Commission

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On Item 8(d) Chris Voggesser Resignation - Human Services Advisory Board - Received and Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 6:57 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor